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C O N F I D E N T I A L TBILISI 001056

SIPDIS

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TAGS: PGOV PHUM PREL GG

SUBJECT: GEORGIA: MOIA RESPONDS TO INVESTIGATION
INFORMATION REQUESTS

Classified By: AMBASSADOR JOHN F. TEFFT. REASONS: 1.4 (B) AND (D).

¶1. (C) Summary/Comment: Post continues to closely monitor claims of beatings, crime and other incidents surrounding the ongoing street protests in Tbilisi. In response to our inquiries about 22 reported incidents, the Ministry of Internal Affairs (MoIA) sent a detailed list of all reported incidents and their status (post is currently translating this large document from Georgian into English). Of the 22 cases raised by Post, 13 have resulted in investigations; cases have not been opened in the other nine due to either a lack of a crime for which to be charged (3 cases) or a lack of a formal complaint from the alleged victim or victims (6 cases). The MoIA has also committed to provide post with updated information on protest related incidents on a continuing basis. Post and MoIA have set up a direct channel to handle all Embassy requests and MoIA responses. Post is also working closely with the Ombudsman's Office and opposition leaders on tracking incident reports and will continue to track, document and monitor all protest-related incidents. End Summary/Comment.

MoIA - Post Tracking Mechanism

¶2. (C) Post has been tracking alleged violations as they appear in the press or are otherwise brought to Post's attention, often by representatives of the non-parliamentary opposition political groupings taking part in the ongoing street protests. As a result of Post's continuing requests for information, MoIA assigned the Deputy Head of the Analytical Department, Gela Kvashilava, to handle inquiries directly. Post provided Kvashilava with a spreadsheet of incidents and requested updates on each case. (Embassy Note: Post will provide the Department with the updated spreadsheet. End Note.) Kvashilava provided a detailed summary of where each case currently stands. Head of the Analytical Department, Shota Utiashvili, First Deputy Minister of Internal Affairs, Eka Zguladze, and Minister Vano Merabishvili all confirmed on different occasions that they would assist Post in its inquiries. Post will continue to incorporate information it receives from MoIA, press reports, and the Ombudsman's office into its internal spreadsheet tracking the incidents.

Victim Cooperation Not Always Forthcoming - Facts Often Unclear - Investigations Ongoing

¶3. (C) A preliminary view of the data (we are translating the document from Georgian into English) shows that in a number of cases, alleged victims of violence have not pursued cases or have not cooperated with MoIA investigations. In the much publicized case of Tengiz Beridze who was allegedly shot with an air rifle (both the non-parliamentary opposition and the Ombudsman alleged that MoIA officers were involved), Beridze and his attorneys have refused to cooperate in the investigation although an investigation is officially ongoing. In other cases, it is unclear whether the reported incidents were related to protest actions or are simply the result of crimes of opportunity. The Ombudsman's office is also tracking incidents in parallel with Post, and its data

and findings will also be incorporated into Post's internal spreadsheet. Post meets with the Ombudsman's office regularly to discuss protest-related incidents and stays in touch with the participants in the protests regarding their reports.

¶4. (C) In all of the 22 cases into which Post has inquired, MoIA has initiated an investigation or explained the reasons why an investigation has not been pursued. Of the 22 cases Post presented to MoIA (some represent multiple injured or aggrieved parties), 13 have resulted in investigations. In the nine other cases, MOIA has not initiated a case. In three of these cases, MoIA initiated no proceeding for lack of a crime for which to be charged. Such cases included the much publicized incident of Nino Burjanadze's husband Badri Bitsadze handing out baseball bats; an MoIA employee allegedly throwing a water balloon in the vicinity of protesters; and a brief verbal scuffle between security guards and protesters who were attempting to drop garbage at city hall. The remaining six cases have not been initiated because the alleged victims have not pursued them by filing a formal complaint. The cases can still be pursued if the alleged victims choose to do so.

TEFFT